

ASSEMBLY BILL

No. 255

Introduced by Assembly Member Anderson

February 11, 2009

An act to add Chapter 22.3 (commencing with Section 22585) to Division 8 of the Business and Professions Code, relating to Internet security.

LEGISLATIVE COUNSEL'S DIGEST

AB 255, as introduced, Anderson. Internet security: virtual globe technology.

Existing law requires the operator of a commercial Internet Web site or online service that collects personally identifiable information through the Internet about individual consumers residing in California who use or visit its commercial Internet Web site or online service to post its privacy policy on its Internet Web site or make that policy available, as specified.

This bill would prohibit an operator, as defined, of a commercial Internet Web site or online service that makes a virtual globe browser available to members of the public from providing aerial or satellite photographs or imagery of places in this state that have been identified on the Internet Web site by the operator as a school, place of worship, or government or medical building or facility unless those photographs or images have been blurred. The bill would also prohibit that operator from providing street view photographs or imagery of those buildings and facilities. An operator that violates these provisions would be guilty of a crime and subject to a fine of not less than \$250,000 for each day the operator is in violation of these provisions. In addition, an operator who is an executive officer or member of a board of directors who

knowingly violates these provisions would also be subject to imprisonment in the state prison for one, 2, or 3 years. Because the bill would create new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 22.3 (commencing with Section 22585) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 22.3. INTERNET SECURITY

22585. (a) An operator of a commercial Internet Web site or online service that makes a virtual globe browser available to members of the public shall not provide aerial or satellite photographs or imagery of a building or facility in this state that is identified on the Internet Web site by the operator as a school or place of worship, or a government or medical building or facility, unless those photographs or images have been blurred.

(b) An operator of a commercial Internet Web site or online service that makes a virtual globe browser available to members of the public shall not provide street view photographs or images of the buildings and facilities described in subdivision (a).

(c) (1) An operator of a commercial Internet Web site or online service that violates this section is guilty of a crime and shall be subject to a fine of not less than two hundred fifty thousand dollars (\$250,000) for each day in violation of this section.

(2) An operator who is a natural person and who is found to have knowingly violated this section shall be subject to one, two, or three years in prison, in addition to the fine set forth in paragraph (1).

1 (d) For purposes of this section, an “operator” includes a
2 corporation, business trust, estate, trust, partnership, limited liability
3 company, association, joint venture, or any other legal or
4 commercial entity, or a natural person who is an executive officer
5 or member of the board of directors of one of those entities. An
6 operator does not include a governmental entity.

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.